

WISHA REGIONAL DIRECTIVE

WISHA Services

Department of Labor and Industries

21.90

Charter Vessel Inspections Date: May 9, 2005

I. Background

In addition to Title 49.17 RCW, WISHA Services in the Department of Labor and Industries administers several other statutes. One of those is Title 88.04 RCW, the Charter Boat Safety Act.

The act's essential requirements are found in RCW 88.04.035, which requires the department "to inspect or provide for the inspection of every charter boat once every twelve months with the vessel in the water, and once every twenty-four months with the vessel in drydock, to determine if the vessel and its equipment comply with the rules promulgated by the department and with applicable state and federal laws and regulations." The section also provides for the department to inspect such vessels "if the department has reasonable cause to believe either that a provision of this chapter has been violated or that an inspection is necessary to ensure the safety of persons or property on the vessel."

"Charter boat" is defined in RCW 88.04.015(3) as a vessel or barge operating in Washington state waters "which is not inspected or licensed by the United States coast guard and over which the United States coast guard does not exercise jurisdiction and which is rented, leased, or chartered to carry more than six persons or cargo."

RCW 88.04.025(1) provides that no such vessel may be operated unless it has a valid certificate of inspection from either the department or the United States Coast Guard (USCG).

II. Scope and Application

This WISHA Regional Directive (WRD) applies to all WISHA enforcement and consultation activities involving maritime inspections and/or consultations. It is substantively the same as WISHA Interim Operations Memoranda (WIOM) 99-1-H issued on January 29, 1999, which it replaces and rescinds.

III. Interpretive Guidance

- A. *Who is responsible for ensuring that the operators of licensed charter vessels are aware of the need to renew their certificate of inspection?*

The maritime specialist in WISHA Policy & Technical Services (P&TS) is responsible for ensuring that the operators of all licensed charter vessels are aware of the need to renew their certificate of inspection.

- B. *Who is responsible for scheduling these inspections and who will perform these inspections?*

The maritime specialist in WISHA P&TS is responsible for scheduling the inspections and ensuring that any determinations based on them are made in accordance with applicable USCG guidelines.

1. If the maritime specialist conducts the inspections in person because no qualified inspector is available within the affected region, he or she is expected to contact regional management within the affected region to arrange with them to send an inspector with him or her. Because the department's intent is to have trained and knowledgeable inspectors in the affected region perform the inspections, such activity by the maritime specialist in WISHA P&TS should be viewed as on-the-job training and will not be expected to continue.
2. If qualified inspectors from within the affected region conduct the inspections, or if the maritime specialist arranges for other qualified staff to conduct the inspections, the maritime specialist is expected to coordinate the inspection activities with the affected management. The maritime specialist in WISHA P&TS will continue to review the inspections and any conclusions drawn from them.

- C. *What does it take to become a qualified charter vessel inspector?*

A fully qualified charter vessel inspector would have a full understanding of vessel stability (including how to perform a simplified stability test), sea worthiness and overall safety afloat. The inspector must also have a working knowledge of wooden hull and fiber-reinforced plastic (FRP) hull vessels. Proof of these qualifications would be the successful completion of a vessel inspection course recognized by the United States Coast Guard.

- D. *Is this inspection a compliance inspection and reported in the WIN system?*

No, these annual inspections are requested by and scheduled through the owner of the vessel(s). The owner pays the department a fee to inspect the vessel(s). This inspection is not a WISHA compliance inspection and is not entered into the WIN system. This inspection is to ensure the vessel(s) meet the requirements of WAC 296-115 and applicable USCG regulations. After successful completion of this inspection, the charter vessel is issued a license from the department that will expire in one year. If deficiencies are found during the inspection, the department will not issue a license until the deficiencies have

been corrected. The owner of the vessel will be advised that it may not be operated as a charter boat until the deficiencies have been corrected.

E. If during the inspection, the inspector notices a violation of one of our WAC rules, how would it be handled?

In the event that during the licensing inspection, hazards not associated with the vessel inspection are observed, such as employees exposed to the hazard of drowning while working on a dock without the use of PFDs or deficiencies with a maritime crane, the maritime specialist must make a referral to the appropriate regional supervisor. If a qualified WISHA inspector is available within the affected region, he or she will conduct the inspection. Otherwise, the regional supervisor must arrange to have an inspector from another region conduct the inspection or arrange to have the maritime specialist in WISHA P&TS assist an inspector from within the region (such assistance should be handled as on-the-job training with the goal of helping to make the inspector able to conduct such inspections on his or her own). Any such inspection must be conducted in accordance with all applicable guidance in the WISHA Compliance Manual and be entered into the WIN system.

In the event that specific situations require further guidance, staff should consult the maritime specialist in WISHA P&TS.

Approved: _____
Mel James, Acting Senior Program Manager
WISHA Policy & Technical Services

For further information about this or other WISHA Regional Directives, you may contact WISHA Policy & Technical Services at P.O. Box 44648, Olympia, WA 98504-4648 -- or by telephone at (360)902-5503. You also may review policy information on the WISHA Website (<http://www.lni.wa.gov/Safety/>).